

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of:

OKAMURA et al.

Application No. 10/577,877

Filed: April 28, 2006

Art Unit: Unassigned

Examiner: Unassigned

For: A RUST-PREVENTIVE WATER-OIL
SEPARATING CLEANER COMPOSITION
AND A CLEANING METHOD USING THE
SAME

RENEWED PETITION UNDER 37 CFR 1.47(a)

Commissioner for Patents
U.S. Patent and Trademark Office
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Dear Sir:

The following remarks are responsive to the points raised by the Decision on the Petition under 37 CFR § 1.47(a) dated March 15, 2007 (hereinafter, "Decision"). In view of the following remarks, reconsideration is respectfully requested.

According to the Decision, the Petition under 37 CFR § 1.47(a) cannot be granted until two requirements are satisfied. First, the Decision requires the Applicants to provide a signed statement from the individual who provided the translations attesting to that individual's competency in Japanese and English, as well as to the validity of the English translations. Secondly, the Decision requires the Applicants to confirm that the papers identified in the email as the English application and preliminary amendment were provided to Mr. Makino in a language he could understand.

As to the first requirement, the Applicants submit herewith a signed statement from the individual who provided the English translations of the Exhibits attesting to that individual's competency in Japanese and English, as well as to the validity of the English translations (Exhibit D).

In re Appln. of OKAMURA et al.
Application No. 10/577,877

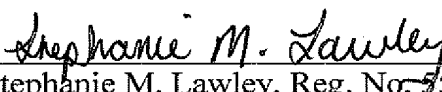
As to the second requirement, the Applicants submit herewith copies of three (3) English language declarations signed by Mr. Makino that were submitted in three unrelated patent applications (Exhibit E): Patent Application No. 09/786,284, now U.S. Patent No. 6,455,137; Patent Application No. 10/240,098 (U.S. Patent Publication No. 2003/0139321); and Patent Application No. 10/415,219 (U.S. Patent Publication No. 2004/0062744). These English language declarations signed by Mr. Makino provide evidence that Mr. Makino can read and understand English. Accordingly, the papers identified in the email as the English application and preliminary amendment were provided to Mr. Makino in a language he could understand.

For these reasons, reconsideration and grant of the Petition is respectfully requested.

Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition and fee for extension of time.

If any additional fee is required in connection with this communication, charge Account No. 12-1216.

Respectfully submitted,


Stephanie M. Lawley, Reg. No. 55362
LEYDIG, VOIT & MAYER
700 Thirteenth Street, N.W., Suite 300
Washington, DC 20005-3960
(202) 737-6770 (telephone)
(202) 737-6776 (facsimile)

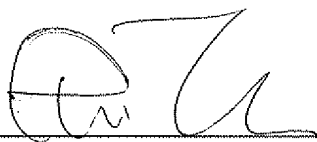
Date:
SML/tdh

Apr. 5, 2007

CERTIFICATION OF ENGLISH TRANSLATION OF EXHIBITS A-C

This is to certify that Shiro TERASAKI, who is skilled in the Japanese and English languages, translated from Japanese into English the "Record of the Negotiating Process between Mr. Makino and Mr. Ogura" (Exhibit A), Mr. Ogura's e-mail of May 16, 2006 (Exhibit B), Mr. Ogura's e-mail of May 25, 2006 and Mr. Makino's reply of May 25, 2006 (Exhibit C) that were submitted in support of the Petition under 37 CFR § 1.47(a).

This certifies that the English translations of Exhibits A-C that were submitted with the Petition under 37 CFR § 1.47(a) conform essentially to the original Japanese language.



Signature of Translator

Shiro TERASAKI

Printed Name



Date

VOIT

Attorney's Docket No. _____

Combined Declaration and Power of Attorney

As a below named inventor, I hereby declare that:

This declaration is of the following type:

☐ original ☐ supplemental

☒ national stage of PCT

☐ divisional ☐ continuation

☐ continuation-in-part

My residence, post office address and citizenship are as stated next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

Recording Material

the specification of which

☐ is attached hereto.

☐ was filed on _____ and,
as United States Application Serial Number _____
was amended on _____ (if applicable).

☒ was filed on March 24, 2000 and,
as PCT International Application Number PCT/JP00/01831
was amended under PCT Article 19 on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority under Title 35, United States Code, Section 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

PRIOR FOREIGN APPLICATIONS, BENEFIT CLAIMED UNDER 35 USC §119(a)

Application Number	Country	Date of Filing (Day/Month/Year)	Priority Claimed Under 35 USC 119
<u>P1999-086497</u>	<u>Japan</u>	<u>29 / March / 1999</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below.

PRIOR U.S. PROVISIONAL APPLICATIONS, BENEFIT CLAIMED UNDER 35 USC §119(e)

<u>(Application No.)</u>	<u>(Filing Date)</u>	<u>(Application No.)</u>	<u>(Filing Date)</u>
<u>(Application No.)</u>	<u>(Filing Date)</u>	<u>(Application No.)</u>	<u>(Filing Date)</u>

I hereby claim the benefit of Title 35, United States Code Section 120 of any United States application(s), or 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code Section 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS
DESIGNATING THE U.S., BENEFIT CLAIMED UNDER 35 USC §120

<u>PCT/JP00/01831</u>	<u>March 24, 2000</u>	<u>Pending</u>
<u>(Application No.)</u>	<u>(Filing Date)</u>	<u>(Status: Patented, Pending, Abandoned)</u>
<u>(Application No.)</u>	<u>(Filing Date)</u>	<u>(Status: Patented, Pending, Abandoned)</u>

POWER OF ATTORNEY: As a named inventor, I hereby appoint the registered practitioners of LEYDIG, VOIT & MAYER, LTD. included in the Customer Number provided below to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Customer Number 23548

Send Correspondence to: Customer Number 23548
LEYDIG, VOIT & MAYER, LTD.

700 Thirteenth Street, N.W., Suite 300
Washington, D.C., 20005

Direct Telephone Calls to: (202) 737-6770

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

100

Full Name of sole or first inventor Kenichi MIYAMOTO	
Inventor's signature <i>Kenichi Miyamoto</i>	Date February 6, 2001
Residence Fukui-shi, Fukui, Japan JPX	
Citizenship Japan	
Post office address c/o NICCA CHEMICAL CO., LTD., 23-1, Bunkyo 4-chome, Fukui-shi, Fukui 910-8670 Japan	

100

Full Name second joint inventor, if any Masahiro MAKINO	
Second inventor's signature <i>Masahiro Makino</i>	Date February 6, 2001
Residence Fukui-shi, Fukui, Japan JPX	
Citizenship Japan	
Post office address c/o NICCA CHEMICAL CO., LTD., 23-1, Bunkyo 4-chome, Fukui-shi, Fukui 910-8670 Japan	

Ref. _____

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **ANTIMICROBIAL AGENT FOR FIBERS AND ANTIMICROBIAL FIBER PRODUCT**

the specification of which: *(check one)*

REGULAR OR DESIGN APPLICATION

- ☐ is attached hereto.
- ☐ was filed on _____ as application Serial No. _____ and was amended on _____ (if applicable).

PCT FILED APPLICATION ENTERING NATIONAL STAGE

- ☒ was described and claimed in International application No. PCT/JP01/02693 filed on March 29, 2001 and as amended on _____ (if any).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

PRIORITY CLAIM

I hereby claim foreign priority benefits under 35 USC 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

PRIOR FOREIGN APPLICATION(S)

Country	Application Number	Date of Filing (day, month, year)	Priority Claimed
JAPAN	2000-96802	31/03/2000	yes

(Complete this part only if this is a continuing application.)

I hereby claim the benefit under 35 USC 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 USC 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37 Code of Federal Regulations §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)

(Filing Date)

(Status--patented, pending, abandoned)

POWER OF ATTORNEY

The undersigned hereby authorizes the U.S. attorney or agent named herein to accept and follow instructions from _____ as to any action to be taken in the Patent and Trademark Office regarding this application without direct communication between the U.S. attorney or agent and the undersigned. In the event of a change in the persons from whom instructions may be taken, the U.S. attorney or agent named herein will be so notified by the undersigned.

- (6) As a named inventor, I hereby appoint the following attorney(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Robert J. PATCH, Reg. No. 17,355, Andrew J. PATCH, Reg. No. 32,925, Robert F. HARGEST, Reg. No. 25,590, Benoît CASTEL, Reg. No. 35,041, Eric JENSEN, Reg. No. 37,855, and Thomas W. PERKINS, Reg. No. 33,027, c/o YOUNG & THOMPSON, Second Floor, 745 South 23rd Street, Arlington, Virginia 22202.

Address all telephone calls to Young & Thompson at 703/521-2297.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1-00 Full name of sole or first inventor: Kenichi MIYAMOTO
(given name, family name)

Inventor's signature Kenichi Miyamoto

Date July 30, 2002

Residence: Fukui-shi, JAPAN JPX

Citizenship: JAPAN

Post Office Address: NICCA CHEMICAL Co., LTD.,
23-1, Bunkyo 4-chome, Fukui-shi, Fukui
910-8670 JAPAN

2-00 Full name of second joint inventor, if any: Hitomi KAMEOKA
(given name, family name)

Inventor's signature Hitomi Kameoka

Date July 30, 2002

Residence: Fukui-shi, JAPAN JPX

Citizenship: JAPAN

Post Office Address: NICCA CHEMICAL Co., LTD.,
23-1, Bunkyo 4-chome, Fukui-shi, Fukui
910-8670 JAPAN

3-00 Full name of third joint inventor, if any: Hidekazu MIYAMOTO
(given name, family name)

Inventor's signature Hidekazu Miyamoto

Date July 30, 2002

Residence: Fukui-shi, JAPAN JPX

Citizenship: JAPAN

Post Office Address: NICCA CHEMICAL Co., LTD.,
23-1, Bunkyo 4-chome, Fukui-shi, Fukui
910-8670 JAPAN

1102400353 .092702

4-00

Full name of fourth joint inventor, if any Masahiro MAKINO

Fourth inventor's signature Masahiro Makino July 30, 2002 Date

Residence Fukui-shi, JAPAN JPX Citizenship JAPAN

Post Office Address NICCA CHEMICAL Co., LTD.,
23-1, Bunkyo 4-chome, Fukui-shi, Fukui 910-8670 JAPAN

Full name of fifth joint inventor, if any _____

Fifth inventor's signature _____ Date _____

Residence _____ Citizenship _____

Post Office Address _____

Full name of sixth joint inventor, if any _____

Sixth inventor's signature _____ Date _____

Residence _____ Citizenship _____

Post Office Address _____

APPLICATION FOR UNITED STATES LETTERS PATENT

PCT Declaration and Power of Attorney (35 U.S.C. 371(c)(4))

PCT Application - United States Designated Office

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

STERILIZING DISINFECTANT, ANTIMICROBIAL AGENT AND ANTIMICROBIAL MATERIAL

described and claimed in International Application number PCT/JP01/003753 filed on 27/04/2001 and, if it was amended, as amended on

I have reviewed and understand the contents of said specification, including claims.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56.

I claim priority benefits under 35 USC §119 of: (i) any foreign application(s) for patent or inventor's certificate listed below; or (ii) any United States provisional application(s) listed below; and have also identified below any foreign application(s) for patent or inventor's certificate, or PCT international application having a filing date before that of the application(s) on which priority is claimed.

COUNTRY	APPLICATION NUMBER	DATE (day, month, year)	PRIORITY CLAIMED
JAPAN	1999-353397	13/12/1999	yes _____ no <u>X</u>
			yes _____ no _____

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I appoint the following attorneys to prosecute this application and to transact all business in the U.S. Patent & Trademark Office connected therewith: Leonard Holtz, Reg. No. 22,974; Herbert Goodman, Reg. No. 17,081; Marshall J. Chick, Reg. No. 26,853; Richard S. Barth, Reg. No. 28,180; Douglas Holtz, Reg. No. 33,902; and Robert P. Michal, Reg. No. 35,614.

CORRESPONDENCE AND CALLS TO:

FRISHAUF, HOLTZ, GOODMAN & CHICK, P.C.
767 Third Avenue - 25th Floor
New York, New York 10017-2023
Tel.: (212) 319-4900
Fax.: (212) 319-5101

INVENTOR: SIGNATURE		DATE	RESIDENCE AND POST OFFICE ADDRESS
Sign: <i>Hidekazu Miyamoto</i>	Date: <i>March 24, 2003</i>	Residence: (City & Country) Fukui, JAPAN Post Office Address: c/o NICCA CHEMICAL Co., LTD., 23-1, Bunkyo 4-chome, Fukui-shi, Fukui 910-8670 JAPAN <i>JPX</i>	
Type: <u>Hidekazu MIYAMOTO</u>	Citizen of: JAPAN		
Sign: <i>Masahiro Makino</i>	Date: <i>March 24, 2003</i>	Residence: (City & Country) Sabae, JAPAN Post Office Address: c/o NICCA CHEMICAL Co., LTD., 23-1, Bunkyo 4-chome, Fukui-shi, Fukui 910-8670 JAPAN <i>JPX</i>	
Type: <u>Masahiro MAKINO</u>	Citizen of: JAPAN		
Sign:	Date:	Residence: (City & Country)	
Type:	Citizen of:	Post Office Address:	